

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION**

JULIO MARTINEZ, JR.	§	CIVIL ACTION NO.
	§	
	§	
VS.	§	
	§	_____
PEDRO CONTRERAS, Individually,	§	
EDDIE SUAREZ, Individually, BOB GARZA,	§	
Individually, LUIS RAMOS, Individually,	§	
TIRSO GARZA, Individually and in his	§	
Official Capacity as Fire Chief for the City of	§	
San Juan, JUAN GONZALEZ, in his Official	§	
Capacity as Interim City Manager and	§	
CITY OF SAN JUAN	§	JURY REQUESTED

NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Defendants **PEDRO CONTRERAS, INDIVIDUALLY, EDDIE SUAREZ, INDIVIDUALLY, BOB GARZA, INDIVIDUALLY, LUIS RAMOS, INDIVIDUALLY, TIRSO GARZA, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS FIRE CHIEF FOR THE CITY OF SAN JUAN, JUAN GONZALEZ, IN HIS OFFICIAL CAPACITY AS INTERIM CITY MANAGER AND CITY OF SAN JUAN** file this Notice of Removal of the present cause from the 332ND District Court of Hidalgo County, Texas, in which it is now pending, to the United States District Court for the Southern District of Texas, McAllen Division.

I.

THE PETITIONERS

1.01 **PEDRO CONTRERAS, INDIVIDUALLY, EDDIE SUAREZ, INDIVIDUALLY, BOB GARZA, INDIVIDUALLY, LUIS RAMOS, INDIVIDUALLY, TIRSO GARZA, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS FIRE CHIEF FOR THE CITY OF SAN JUAN, JUAN GONZALEZ, IN HIS OFFICIAL CAPACITY AS INTERIM CITY MANAGER AND CITY OF SAN JUAN** are the Petitioners and Defendants in this lawsuit.

II.

THE LITIGATION

2.01 Petitioners are the Defendants in the civil lawsuit which is entitled *Julio Martinez, Jr. v. Pedro Contreras, Individually, Eddie Suarez, Individually, Bob Garza, Individually, Luis Ramos, Individually Tirso Garza, Individually and in his Official Capacity as Fire Chief for the City of San Juan, Juan Gonzalez, in his Official Capacity as Interim City Manager and City of San Juan*, Cause No. C-6136-14-F, pending in the 332nd District Court of Hidalgo County, Texas. Plaintiff filed his Original Petition on or about July 3, 2014. A copy of Plaintiff's Original Petition is attached hereto as **Exhibit No. 2** in the Index of Exhibits attached hereto as **Exhibit - A**.

III.

REMOVAL

3.01 Defendants are filing this Notice of Removal pursuant to 28 U.S.C. §1441, which provides that “[a]ny civil action of which the district courts have original jurisdiction founded on a claim or right arising under the Constitution, treaties or laws of the United States shall be removable without regard to the citizenship or residence of the parties.”

3.02 Defendant City of San Juan, Texas, is a governmental entity existing and doing business in Hidalgo County, Texas, and the State of Texas. Defendants Pedro Contreras, Eddie Suarez, Bob Garza, Luis Ramos, Tirso Garza and Juan Gonzalez are individuals residing in Hidalgo County, Texas.

3.03 Additional basis and authority for the removal of this action is pursuant to 42 U.S.C. §1446 entitled “Procedure for Removal,” Sub-paragraph (b) of 28 U.S.C. §1446 provides:

The notice of removal of a civil action or proceeding shall be filed within thirty days after the receipt by the Defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based, or within thirty days after the service of summons upon the defendant if such initial pleading has then been filed in court and is not required to be served on the Defendant, whichever period is shorter.

3.04 This Notice of Removal is being filed within thirty (30) days of Defendants' notice of Plaintiff's Original Petition insofar as Defendants obtained a copy of Plaintiff's pleading through service of process on or about August 12, 2014. Upon receipt and review of the Original Petition, Defendants determined Plaintiff alleged federal causes of action

pursuant to 42 U.S.C. §§ 1983 and 2000e, *et seq.*, for alleged violations of the Constitution and laws of the United States, and this Notice of Removal is therefore timely filed.

IV.

4.01 True and correct copies of all pleadings and orders signed by the state judge contained in the District Clerk's File are attached hereto together with an Index of Exhibits attached hereto as **Exhibit - A**. A certified copy of the Docket Sheet from the District Clerk's office of Hidalgo County, Texas, for this lawsuit is attached as **Exhibit No. 1** to the Index of Exhibits attached hereto as **Exhibit - A**. Copies of all process, pleadings and orders served upon Defendants are attached to the Index of Exhibits attached hereto as **Exhibit - A**. Attached hereto as **Exhibit - B** is a list of all counsel of record in this case.

V.

5.01 The claims asserted by Plaintiff could have been filed in this Federal Court pursuant to 28 U.S.C. §1331. Therefore, this Court has jurisdiction over this removal action pursuant to 28 U.S.C. §1441(b) since this is a civil action of which the Federal District Courts have original jurisdiction founded on a claim arising out of the Constitution or laws of the United States.

VI.

6.01 Defendants **PEDRO CONTRERAS, INDIVIDUALLY, EDDIE SUAREZ, INDIVIDUALLY, BOB GARZA, INDIVIDUALLY, LUIS RAMOS,**

INDIVIDUALLY, TIRSO GARZA, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS FIRE CHIEF FOR THE CITY OF SAN JUAN, JUAN GONZALEZ, IN HIS OFFICIAL CAPACITY AS INTERIM CITY MANAGER AND CITY OF SAN JUAN hereby demand a trial by jury.

VII.

7.01 Defendants **PEDRO CONTRERAS, INDIVIDUALLY, EDDIE SUAREZ, INDIVIDUALLY, BOB GARZA, INDIVIDUALLY, LUIS RAMOS, INDIVIDUALLY, TIRSO GARZA, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS FIRE CHIEF FOR THE CITY OF SAN JUAN, JUAN GONZALEZ, IN HIS OFFICIAL CAPACITY AS INTERIM CITY MANAGER AND CITY OF SAN JUAN** hereby represent to this Court that the Hidalgo County Clerk and all parties and their counsel are receiving notice and copies of all the pleadings associated with Defendants' Notice of Removal.

WHEREFORE, PREMISES CONSIDERED, Defendants **PEDRO CONTRERAS, INDIVIDUALLY, EDDIE SUAREZ, INDIVIDUALLY, LUIS RAMOS, INDIVIDUALLY, BOB GARZA, INDIVIDUALLY, TIRSO GARZA, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS FIRE CHIEF FOR THE CITY OF SAN JUAN, JUAN GONZALEZ, IN HIS OFFICIAL CAPACITY AS INTERIM CITY MANAGER AND CITY OF SAN JUAN** pray for removal of this cause of action from the 332nd District Court of Hidalgo County, Texas, to this Court.

Signed on this the 5th day of September, 2014.

Respectfully submitted,

/s/ J. Arnold Aguilar

J. Arnold Aguilar
Attorney-in-Charge
State Bar No. 00936270
Federal Adm. No. 6822
email: arnold@aguilarzabartellc.com

/s/ Francisco J. Zabarte

Francisco J. Zabarte
Of Counsel
State Bar No. 22235300
Federal Adm. No. 10747
email: frank@aguilarzabartellc.com

AGUILAR ☆ ZABARTE, LLC

Of Counsel
990 Marine Drive
Brownsville, Texas 78520
Telephone : (956) 504-1100
Facsimile : (956) 504-1408

Attorney for Defendants
PEDRO CONTRERAS, individually,
EDDIE SUAREZ, individually,
BOB GARZA, individually,
LUIS RAMOS, individually,
TIRSO GARZA, individually and in
his official capacity as Fire Chief
for the City of San Juan,
JUAN GONZALEZ, in his official
capacity as Interim City Manager and
CITY OF SAN JUAN

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing NOTICE OF REMOVAL will on this the 5th day of September, 2014, be automatically accomplished through the Notice of Electronic Filing upon the following:

Mr. Orlando Jimenez
Jimenez Justice Center
815 East Ferguson Avenue
Pharr, TX 78577

/s/ J. Arnold Aguilar

J. Arnold Aguilar

EXHIBIT-A

INDEX OF EXHIBITS

1. Certified copy of the County Court Docket Sheet
2. Plaintiff's Original Petition
3. Citation and Return to Defendant Pedro Contreras
4. Citation and Return to Defendant Eddie Suarez
5. Citation and Return to Defendant Bob Garza
6. Citation and Return to Defendant Luis Ramos
7. Citation and Return to Defendant Tirso Garza
8. Citation and Return to Defendant Juan Gonzalez
9. Citation and Return to Defendant City of San Juan

CASE SUMMARY**CASE NO. C-6136-14-F****JULIO MARTINEZ, JR.****VS.****PEDRO CONTRERAS, Individually, EDDIE**

**SUAREZ, Individually BOB GARZA, Individually LUIS
RAMOS, Individually TIRSO GARZA, Individually and
his Ofifical Capacity as Fire Chief for the City of San
Juan, JUAN GONZALEZ, IN HIS OFFICIAL
CAPACITY AS INTERIM CITY MANAGER, CITY OF
SAN JUAN**

§
§
§
§

Location: 332nd District Court
Judicial Officer: Ramirez, Mario E., Jr.
Filed on: 07/03/2014

CASE INFORMATION

Case Type: All Other Civil Cases (OCA)
Subtype: Declaratory Judgment

DATE	CASE ASSIGNMENT
Current Case Assignment	
Case Number	C-6136-14-F
Court	332nd District Court
Date Assigned	07/03/2014
Judicial Officer	Ramirez, Mario E., Jr.

PARTY INFORMATION

Plaintiff	MARTINEZ, JR., JULIO	<i>Lead Attorneys</i> JIMENEZ, ORLANDO <i>Retained</i> 956-270-4117(W)
Defendant	CITY OF SAN JUAN CONTRERAS, PEDRO GARZA, BOB GARZA, TIRSO JUAN GONZALEZ, IN HIS OFFICIAL CAPACITY AS INTERIM CITY MANAGER RAMOS, LUIS SUAREZ, EDDIE	

DATE	EVENTS & ORDERS OF THE COURT	INDEX
07/22/2014	<input checked="" type="checkbox"/> Service Issued <i>SENT TO ATTORNEY VIA EMAIL AT hillandjimenez@yahoo.com</i>	
07/22/2014	Citation <input checked="" type="checkbox"/> CONTRERAS, PEDRO Served: 08/12/2014 <input checked="" type="checkbox"/> SUAREZ, EDDIE Served: 08/12/2014 <input checked="" type="checkbox"/> GARZA, BOB Served: 08/12/2014 <input checked="" type="checkbox"/> RAMOS, LUIS Served: 08/12/2014	DATE <u>9.2.2014</u> A true copy / certify LAURA HINOJOSA District Clerk, Hidalgo County, Texas Deputy #9

CASE SUMMARY**CASE No. C-6136-14-F**

GARZA, TIRSO
 Served: 08/12/2014

JUAN GONZALEZ, IN HIS OFFICIAL CAPACITY AS INTERIM CITY MANAGER
 Served: 08/12/2014

CITY OF SAN JUAN
 Served: 08/12/2014

SENT TO ATTORNEY VIA EMAIL AT hillandjimenez@yahoo.com

07/03/2014

Original Petition (OCA)
PLAINTIFF'S ORIGINAL PETITION

DATE	FINANCIAL INFORMATION
	Plaintiff MARTINEZ, JR., JULIO
	Total Charges 320.00
	Total Payments and Credits 320.00
	Balance Due as of 9/2/2014 0.00

CAUSE NUMBER: C-6136-14-F

JULIO MARTINEZ, JR.
Plaintiff,

v.

PEDRO CONTRERAS, Individually,
EDDIE SUAREZ, Individually, BOB
GARZA, Individually, LUIS RAMOS,
Individually, TIRSO GARZA,
Individually and in his Official Capacity
as Fire Chief for the City of San Juan,
JUAN GONZALEZ, in his Official
Capacity as Interim City Manager and
CITY OF SAN JUAN
Defendants.

IN THE COUNTY COURT

AT LAW NUMBER _____

HIDALGO COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES JULIO MARTINEZ, JR., Plaintiff herein, filing this Petition for Declaratory Judgment, pursuant to the Texas Uniform Declaratory Judgments Act, Chapter 37 of the Texas Civil Practice and Remedies Code, and for other Causes of Actions and would show the Court the following:

I. DISCOVERY CONTROL PLAN LEVEL

Plaintiff intends that discovery be conducted under Discovery Level 2.

II. PARTIES AND SERVICE

A. Plaintiff, JULIO MARTINEZ, JR. brings this action individually. Plaintiff resides in Hidalgo County, Texas.

B. Defendant CITY OF SAN JUAN, a political subdivision in the State of Texas may be served with process by serving the Mayor via certified mail as follows:



C-6136-14-F

Honorable San Juanita Sanchez
San Juan City Hall
709 South Nebraska Road
San Juan, Texas 78589

C. Defendant JUAN GONZALEZ, in his Official Capacity as Interim City Manager may be served with process by certified mail at:

Juan Gonzalez, Interim City Manager
City of San Juan
709 South Nebraska Road
San Juan, Texas 78589

D. Defendants Pedro Contreras, Eddie Suarez, Bob Garza, Luis Ramos, and Tirso Garza may be served wherever they may be found by certified mail.

III. JURISDICTION AND VENUE

- A. The subject matter in controversy is within the jurisdictional limits of this court.
- B. This court has jurisdiction over the parties.
- C. Venue in Hidalgo County is proper in this cause.

IV. FACTS

A. On August 8, 1988, Mr. Martinez, Plaintiff herein, was hired by the City of San Juan. Plaintiff worked for the City of San Juan for over twenty-two years. He worked as an Animal Control Officer and in that capacity protected the residents and citizens of San Juan. Mr. Martinez was responsible for enforcing local and regional laws concerning the care and treatment of animals. He also patrolled public areas looking for potential signs of distressed animals, and worked directly with citizens concerning animal control issues. Mr. Martinez also educated the public about animal control safety. Mr. Martinez loved his job and his City.

B. Unfortunately, his City betrayed him. The City he so desperately loved and cared for fired him on December 8, 2010, allegedly for 'theft'. The real reason, however, was for political retaliation. The Mayor, Pedro Contreras and his friends at the City Council,

C-6136-14-F

Commissioner Eddie Suarez, Commissioner Bob Garza, Commissioner Luis Ramos, and Fire Chief Tirso Garza found out that Plaintiff did not want to support them in the reelection campaign and so these people evilly hatched out a plan to fire Plaintiff from his 22 year-long employment with the City.

C. The Defendants requested the help of Ismael Cano, another Animal Control Officer. They told Cano to say that he picked-up a 6-month old German Shepard mix and handed the mutt to Plaintiff Mr. Martinez for transport to the Rio Grande Valley Humane Society in Edinburg, Texas. The Humane Society has no record of receiving the dog. Based on this (and only this) the Defendants and the City ‘persuaded’ Criminal Investigator Joe Chapa to file criminal charges for Theft against Mr. Martinez, Plaintiff.

D. Plaintiff, Mr. Martinez was arrested, humiliated, and dishonored.

E. The bogus charge was dismissed for lack of evidence on February 26, 2013.

V. CIVIL RIGHTS VIOLATIONS

A. The conduct of Defendants complained of, constituted unlawful retaliation. At the time of trial, Plaintiff Julio Martinez, Jr. will establish that (1) the conduct complained of was committed by a person or persons acting under the color of state law, and (2) the conduct deprived the Plaintiff of a Constitutional right. The conduct of the Defendants complained of constituted retaliation on the basis of Plaintiff's speech or right to association and is protected by the First Amendment.

B. The Plaintiff also had a protected due process property interest in his continued 22 year employment and was never given any meaningful due process before or after his unlawful discharge. In taking the aforesaid actions, the Defendants, acting under color of statute, regulation, custom, and or usage of the laws of the State of Texas, within the meaning of 42

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U.S.C. Sections 1983 and 1985, violated the Plaintiff's rights guaranteed under the Constitution.

C. Defendants, in collusion and conspiracy with the City, denied the Plaintiff due process for his protected liberty and property interests. Comments were made publicly, in particular to citizens like Mr. Henry Gonzalez, by Fire Chief, Tirso Garza, casting shadows over the reputation of the Plaintiff as well as inferring acts of dishonesty and incompetency on Plaintiff. The Plaintiff was never provided a meaningful forum to clear his name.

D. Plaintiff alleges that the officials who participated in the wrongful acts were policymakers with the City of San Juan whose actions may fairly be said to be the actions of the City. Defendants using their authority and political weight of office, abused their public trust to cast aspersions and defame Plaintiff and deny him of his protected liberty and property interests.

E. Furthermore, the actions taken by the Defendants have resulted in the denial of the Constitutional rights of Plaintiff in that he had been deprived of life, liberty and/or property interests guaranteed by the Fourteenth Amendment of the U.S. Constitution.

VI. ULTRA VIRES ACTIONS

A. Pleading further and fully incorporating the information contained in paragraph IV above, Plaintiff asserts that the Defendants acted beyond their authority. Accordingly, these Defendants committed ultra vires acts which do not afford them any immunity.

VII. DECLARATORY JUDGMENT

There exists a genuine controversy between the parties herein that would be terminated by the granting of declaratory judgment. Plaintiff therefore requests that declaratory judgment be entered as follows:

A. The termination from his employment was without legal justification and the unfortunate arrest of Plaintiff was also wrongful.

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VIII. IMPLIED IN FACT CONTRACT

A. Without waiving the aforementioned and pleading further and in the alternative,

Mr. Martinez worked for the City of San Juan for over twenty-two years and as a result certain acts and conduct of the parties were to be expected and inferred. Hence, an implied in fact employment contract was formed.

IX. ACTUAL DAMAGES

A. As a result of the incidents described above, that are made part of the basis of this suit and incorporated herein, Plaintiff Mr. Martinez has incurred damages in the following respects:

1.) Injury to Reputation and Character.

As a result of dissemination of false information and the attendant publicity caused by the Defendants, Plaintiff is and will in the future continue to be seriously injured in good name and reputation in the community and exposed to hatred, scorn, contempt, and ridicule by the general public as well as in the eyes of potential employers, friends, and relatives. Plaintiff's position was one of public trust and has suffered damages.

2.) Lost Earnings and Diminished Earning Capacity.

At the time of the incident complained of, Plaintiff had been gainfully employed for over 22 years as an Animal Control Officer for the City of San Juan. As a proximate result of the wrongful acts of Defendants, Plaintiff was unable to attend to his occupation and thereby has suffered and continues to suffer a loss of wages in the past, fringe benefits, and other valuable job rights for which he hereby sues.

Plaintiff sues for any lost earnings in the form of back pay, lost wages, front pay,

C-6136-14-F

retirement benefits, health coverage, TMRS retirement benefits, fringe benefits, lost future earnings and/or diminished earning capacity. As a result of the acts of the Defendants, Plaintiff's capacity to earn a livelihood has been severely impaired, and in all reasonable probability this incapacity will continue long into the future, if not for the balance of Plaintiff's natural life, all to his damage for which he hereby sues.

3.) Past and Future Mental Anguish.

As a result of the injuries and damages sustained by the Plaintiff and inflicted by the Defendants, Plaintiff has suffered emotional distress, humiliation, mental anguish, loss of enjoyment of life, embarrassment, anxiety, sleeplessness, worry, nervousness and other physical injuries, sickness or illness and which in all reasonable probability, Plaintiff will continue to suffer for a long time into the future, if not the balance of his natural life.

X. ATTORNEY'S FEES

Pursuant to Section 37.009 of the Texas Civil Practice and Remedies Code, request is made for all costs and reasonable and necessary attorney's fees incurred by Plaintiff herein, including all fees necessary in the event of an appeal of this cause to the Court of Appeals and the Supreme Court of Texas, as the Court deems equitable and just.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendants be cited to appear and answer herein, and that on final trial hereof declaratory judgment be granted as requested herein and Plaintiff be awarded all costs and damages stated in this suit as well as all reasonable and necessary attorney's fees, and for such other and further relief that may be

Electronically Filed
7/3/2014 3:46:38 PM
Hidalgo County District Clerks
Reviewed By: Alexis Bonilla

C-6136-14-F

awarded at law or in equity.

Respectfully submitted,

JIMENEZ JUSTICE CENTER

By: Orlando Jimenez

Orlando Jimenez
Texas Bar No. 24044784
Email: hillandjimenez@yahoo.com
815 East Ferguson Avenue
Pharr, Texas 78577
Tel. (956) 702-3355
Fax. (956) 702-3399
Attorney for Plaintiff
JULIO MARTINEZ, JR.

FILED

AT 11:21 O'CLOCK AM

C-6136-14-F

332ND DISTRICT COURT, HIDALGO COUNTY, TEXAS 2014

CITATION

LAURA HINOJOSA, CLERK

District Courts, Hidalgo County

Deputy#13

STATE OF TEXAS

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served with this citation and petition, a default judgment may be taken against you.

**PEDRO CONTRERAS
WHEREVER HE MAY BE FOUND**

You are hereby commanded to appear by filing a written answer to the **PLAINTIFF'S ORIGINAL PETITION** on or before 10:00 o'clock a.m. on the Monday next after the expiration of twenty (20) days after the date of service hereof, before the **Honorable Mario E. Ramirez, Jr., 332nd District Court of Hidalgo County, Texas at the Courthouse at 100 North Closner, Edinburg, Texas 78539.**

Said petition was filed on the on this the 3rd day of July, 2014 and a copy of same accompanies this citation. The file number and style of said suit being C-6136-14-F.
JULIO MARTINEZ, JR. VS. PEDRO CONTRERAS, INDIVIDUALLY, EDDIE SUAREZ, INDIVIDUALLY BOB GARZA, INDIVIDUALLY LUIS RAMOS, INDIVIDUALLY TIRSO GARZA, INDIVIDUALLY AND HIS OFICIAL CAPACITY AS FIRE CHIEF FOR THE CITY OF SAN JUAN, JUAN GONZALEZ, IN HIS OFFICIAL CAPACITY AS INTERIM CITY MANAGER, CITY OF SAN JUAN

Said Petition was filed in said court by ORLANDO JIMENEZ, 815 E FERGUSON AVE PHARR TX 78577.

The nature of the demand is fully shown by a true and correct copy of the petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at Edinburg, Texas on this the 22nd day of July, 2014.

LAURA HINOJOSA, DISTRICT CLERK
HIDALGO COUNTY, TEXAS

PABLO CAMPOS, DEPUTY CLERK

3

Bloomberg No. 5127

**C-6136-14-F
OFFICER'S RETURN**

Came to hand on 12th of August, 2012 at 10:00 o'clock A.m. and executed in _____ County, Texas by delivering to each of the within named Defendant in person, a true copy of this citation, upon which I endorsed the date of delivery to said Defendant together with the accompanying copy of the petition at the following times and places, to-wit:

NAME	DATE	TIME	PLACE
<u>Bobby Rodriguez</u>	<u>8/12/14</u>	<u>11:58 am</u>	<u>205 S Nebraska San Juan TX</u>

And not executed as to the defendant, _____ the diligence used in finding said defendant, being: _____ and the cause of failure to execute this process is: _____ and the information received as to the whereabouts of said defendant, being: _____. I actually and necessarily traveled _____ miles in the service of this citation, in addition to any other mileage I may have traveled in the service of other process in the same case during the same trip.

Fees: serving ... copy(s) \$ _____
miles\$ _____

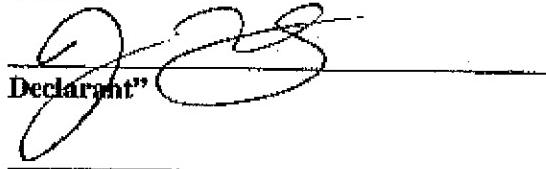
DEPUTY

**COMPLETE IF YOU ARE PERSON OTHER THAN A SHERIFF,
CONSTABLE OR CLERK OF THE COURT**

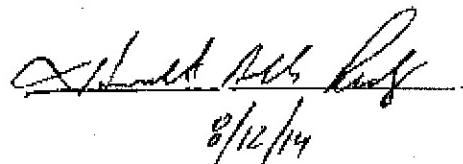
In accordance to Rule 107, the officer or authorized person who serves or attempts to serve a citation must sign the return. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return must either be verified or be signed under the penalty of perjury. A return signed under penalty of perjury must contain the statement below in substantially the following form:

"My name is Jesse Fuentes, my date of birth is 7/2 and the address is Mercado St and I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED in Hidalgo County, State of Texas, on the 12th day of Aug, 2014


Declarant"

If Certified by the Supreme Court of Texas
Date of Expiration / SCH Number


8/12/14

C-6136-14-F
332ND DISTRICT COURT, HIDALGO COUNTY, TEXAS

FILED
AT 11:20 O'CLOCK AM
AUG 13 2014

CITATION
STATE OF TEXAS

LAURA HINOJOSA, CLERK
District Courts, Hidalgo County
By _____
Deputy #13

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served with this citation and petition, a default judgment may be taken against you.

EDDIE SUAREZ
WHEREVER HE MAY BE FOUND

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Said petition was filed on the on this the 3rd day of July, 2014 and a copy of same accompanies this citation. The file number and style of said suit being C-6136-14-F,
JULIO MARTINEZ, JR. VS. PEDRO CONTRERAS, INDIVIDUALLY, EDDIE SUAREZ, INDIVIDUALLY BOB GARZA, INDIVIDUALLY LUIS RAMOS, INDIVIDUALLY TIRSO GARZA, INDIVIDUALLY AND HIS OFICAL CAPACITY AS FIRE CHIEF FOR THE CITY OF SAN JUAN, JUAN GONZALEZ, IN HIS OFFICIAL CAPACITY AS INTERIM CITY MANAGER, CITY OF SAN JUAN.

Said Petition was filed in said court by ORLANDO JIMENEZ, 815 E FERGUSON AVE PHARR TX 78577.

The nature of the demand is fully shown by a true and correct copy of the petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at Edinburg, Texas on this the 22nd day of July, 2014.

LAURA HINOJOSA, DISTRICT CLERK
HIDALGO COUNTY, TEXAS

PABLO CAMPOS, DEPUTY CLERK

2014 B&W Imaging

C-6136-14-F
OFFICER'S RETURN

Came to hand on 12th of August, 2014 at 10:00 o'clock A.M. and executed in Hidalgo County, Texas by delivering to each of the within named Defendant in person, a true copy of this citation, upon which I endorsed the date of delivery to said Defendant together with the accompanying copy of the petition at the following times and places, to-wit:

NAME	DATE	TIME	PLACE
<u>Bobby Rodriguez</u>	<u>8/12/14</u>	<u>11:58 a.m.</u>	<u>709 S Nebraska San Juan, TX</u>

And not executed as to the defendant, _____ the diligence used in finding said defendant, being: _____ and the cause of failure to execute this process is: _____ and the information received as to the whereabouts of said defendant, being: _____ I actually and necessarily traveled _____ miles in the service of this citation, in addition to any other mileage I may have traveled in the service of other process in the same case during the same trip.

Fees: serving ... copy(s) \$ _____
miles\$ _____

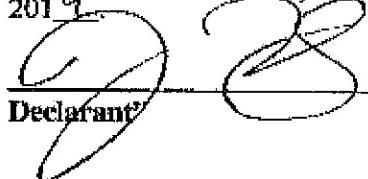
DEPUTY

**COMPLETE IF YOU ARE PERSON OTHER THAN A SHERIFF,
CONSTABLE OR CLERK OF THE COURT**

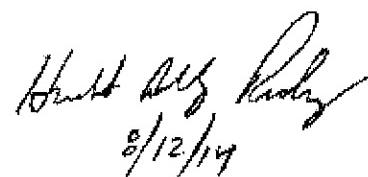
In accordance to Rule 107, the officer or authorized person who serves or attempts to serve a citation must sign the return. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return must either be verified or be signed under the penalty of perjury. A return signed under penalty of perjury must contain the statement below in substantially the following form:

"My name is Jesse Evans, my date of birth is 7/2, and the address is 123 Main St. and I declare under penalty of perjury that the foregoing is true and correct."

EXECUTED in Hidalgo County, State of Texas, on the 12th day of Aug, 2014.


Declarant

If Certified by the Supreme Court of Texas
Date of Expiration / SCH Number


Held by Bobby Rodriguez
8/12/14

FILED

AT 10 O'CLOCK A.M.

C-6136-14-F

332ND DISTRICT COURT, HIDALGO COUNTY, TEXAS

AUG 13 2014

CITATION
STATE OF TEXAS

Laura Hinojosa, Clerk
District Courts, Hidalgo County
By Deputy #13

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served with this citation and petition, a default judgment may be taken against you.

BOB GARZA
WHEREVER HE MAY BE FOUND

You are hereby commanded to appear by filing a written answer to the **PLAINTIFF'S ORIGINAL PETITION** on or before 10:00 o'clock a.m. on the Monday next after the expiration of twenty (20) days after the date of service hereof, before the Honorable Mario E. Ramirez, Jr., 332nd District Court of Hidalgo County, Texas at the Courthouse at 100 North Closner, Edinburg, Texas 78539.

Said petition was filed on the on this the 3rd day of July, 2014 and a copy of same accompanies this citation. The file number and style of said suit being C-6136-14-F,
JULIO MARTINEZ, JR. VS. PEDRO CONTRERAS, INDIVIDUALLY, EDDIE SUAREZ, INDIVIDUALLY BOB GARZA, INDIVIDUALLY LUIS RAMOS, INDIVIDUALLY TIRSO GARZA, INDIVIDUALLY AND HIS OFFICIAL CAPACITY AS FIRE CHIEF FOR THE CITY OF SAN JUAN, JUAN GONZALEZ, IN HIS OFFICIAL CAPACITY AS INTERIM CITY MANAGER, CITY OF SAN JUAN

Said Petition was filed in said court by ORLANDO JIMENEZ, 815 E FERGUSON AVE PHARR TX 78577.

The nature of the demand is fully shown by a true and correct copy of the petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at Edinburg, Texas on this the 22nd day of July, 2014.

LAURA HINOJOSA, DISTRICT CLERK
HIDALGO COUNTY, TEXAS

PABLO CAMPOS, DEPUTY CLERK



**C-6136-14-F
OFFICER'S RETURN**

Came to hand on 12th of Aug, 2014 at 10:00 o'clock A.M. and executed in Hidalgo County, Texas by delivering to each of the within named Defendant in person, a true copy of this citation, upon which I endorsed the date of delivery to said Defendant together with the accompanying copy of the petition at the following times and places, to-wit:

NAME	DATE	TIME	PLACE
<u>Bobby Rodriguez</u>	<u>8-12-14</u>	<u>11:58 a.m.</u>	<u>709 1/2 Nebraska San Juan</u>

And not executed as to the defendant, _____ the diligence used in finding said defendant being: _____ and the cause of failure to execute this process is: _____ and the information received as to the whereabouts of said defendant, being: _____. I actually and necessarily traveled _____ miles in the service of this citation, in addition to any other mileage I may have traveled in the service of other process in the same case during the same trip.

Fees: serving ... copy(s) \$ _____
miles \$ _____

DEPUTY

**COMPLETE IF YOU ARE PERSON OTHER THAN A SHERIFF,
CONSTABLE OR CLERK OF THE COURT**

In accordance to Rule 107, the officer or authorized person who serves or attempts to serve a citation must sign the return. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return must either be verified or be signed under the penalty of perjury. A return signed under penalty of perjury must contain the statement below in substantially the following form:

"My name is Jesse Francis, my date of birth is 11 and the address is 123 Main Street and I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED in Hidalgo County, State of Texas, on the 12th day of August, 2014.

Jesse Francis
Declarant

If Certified by the Supreme Court of Texas
Date of Expiration / SCH Number

Declarant
8/12/14

FILED
C-6136-14-F AT 10 O'CLOCK AM
332ND DISTRICT COURT, HIDALGO COUNTY, TEXAS
CITATION

STATE OF TEXAS

Laura Hinojosa, Clerk
District Courts, Hidalgo County
By _____ Deputy #13

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served with this citation and petition, a default judgment may be taken against you.

LUIS RAMOS
WHEREVER HE MAY BE FOUND

You are hereby commanded to appear by filing a written answer to the **PLAINTIFF'S ORIGINAL PETITION** on or before 10:00 o'clock a.m. on the Monday next after the expiration of twenty (20) days after the date of service hereof, before the Honorable Mario E. Ramirez, Jr., 332nd District Court of Hidalgo County, Texas at the Courthouse at 100 North Closner, Edinburg, Texas 78539.

Said petition was filed on the on this the 3rd day of July, 2014 and a copy of same accompanies this citation. The file number and style of said suit being C-6136-14-F,
JULIO MARTINEZ, JR. VS. PEDRO CONTRERAS, INDIVIDUALLY, EDDIE SUAREZ, INDIVIDUALLY BOB GARZA, INDIVIDUALLY LUIS RAMOS, INDIVIDUALLY TIRSO GARZA, INDIVIDUALLY AND HIS OFFICIAL CAPACITY AS FIRE CHIEF FOR THE CITY OF SAN JUAN, JUAN GONZALEZ, IN HIS OFFICIAL CAPACITY AS INTERIM CITY MANAGER, CITY OF SAN JUAN

Said Petition was filed in said court by ORLANDO JIMENEZ, 815 E FERGUSON AVE PHARR TX 78577.

The nature of the demand is fully shown by a true and correct copy of the petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at Edinburg, Texas on this the 22nd day of July, 2014.

LAURA HINOJOSA, DISTRICT CLERK
HIDALGO COUNTY, TEXAS

PABLO CAMPOS, DEPUTY CLERK

6

Billing No. 5132

C-6136-14-F
OFFICER'S RETURN

Came to hand on 10th of August, 2014 at 10:00 o'clock A.M. and executed in Hidalgo County, Texas by delivering to each of the within named Defendant in person, a true copy of this citation, upon which I endorsed the date of delivery to said Defendant together with the accompanying copy of the petition at the following times and places, to-wit:

NAME	DATE	TIME	PLACE
<u>Bobby Rodriguez</u>	<u>8-12-14</u>	<u>11:51 a.m.</u>	<u>709 Nebraska San Juan, Tx</u>

And not executed as to the defendant, _____ the diligence used in finding said defendant, being: _____ and the cause of failure to execute this process is: _____ and the information received as to the whereabouts of said defendant, being: _____. I actually and necessarily traveled _____ miles in the service of this citation, in addition to any other mileage I may have traveled in the service of other process in the same case during the same trip.

Fees: serving ... copy(s) \$_____
miles\$_____

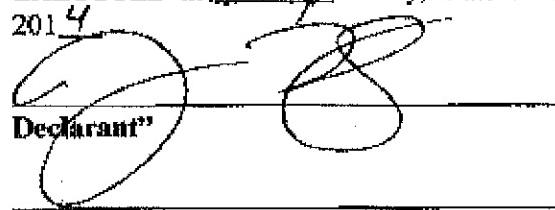
DEPUTY

**COMPLETE IF YOU ARE PERSON OTHER THAN A SHERIFF,
CONSTABLE OR CLERK OF THE COURT**

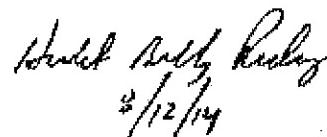
In accordance to Rule 107, the officer or authorized person who serves or attempts to serve a citation must sign the return. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return must either be verified or be signed under the penalty of perjury. A return signed under penalty of perjury must contain the statement below in substantially the following form:

"My name is Jesse Fuentes, my date of birth is
72 and the address is Mercado and I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED in Hidalgo County, State of Texas, on the 10th day of August,
2014


Declarant"

If Certified by the Supreme Court of Texas
Date of Expiration / SCH Number


Bobby Rodriguez
8/12/14

FILED
C-6136-14-F AT 12:13 O'CLOCK ~~A.M.~~
332ND DISTRICT COURT, HIDALGO COUNTY, TEXAS
CITATION

STATE OF TEXAS

Laura Hinojosa, Clerk
District Courts, Hidalgo County
Deputy#13

By

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served with this citation and petition, a default judgment may be taken against you.

TIRSO GARZA
WHEREVER HE MAY BE FOUND

You are hereby commanded to appear by filing a written answer to the **PLAINTIFF'S ORIGINAL PETITION** on or before 10:00 o'clock a.m. on the Monday next after the expiration of twenty (20) days after the date of service hereof, before the Honorable Mario E. Ramirez, Jr., 332nd District Court of Hidalgo County, Texas at the Courthouse at 100 North Closner, Edinburg, Texas 78539.

Said petition was filed on the on this the 3rd day of July, 2014 and a copy of same accompanies this citation. The file number and style of said suit being C-6136-14-F,
JULIO MARTINEZ, JR. VS. PEDRO CONTRERAS, INDIVIDUALLY, EDDIE SUAREZ, INDIVIDUALLY BOB GARZA, INDIVIDUALLY LUIS RAMOS, INDIVIDUALLY TIRSO GARZA, INDIVIDUALLY AND HIS OFICAL CAPACITY AS FIRE CHIEF FOR THE CITY OF SAN JUAN, JUAN GONZALEZ, IN HIS OFFICIAL CAPACITY AS INTERIM CITY MANAGER, CITY OF SAN JUAN

Said Petition was filed in said court by ORLANDO JIMENEZ, 815 E FERGUSON AVE PHARR TX 78577.

The nature of the demand is fully shown by a true and correct copy of the petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at Edinburg, Texas on this the 22nd day of July, 2014.

LAURA HINOJOSA, DISTRICT CLERK
HIDALGO COUNTY, TEXAS

PABLO CAMPOS, DEPUTY CLERK



C-6136-14-F
OFFICER'S RETURN

Came to hand on 12th of August, 2014 at 10:00 o'clock AM and executed in Hidalgo County, Texas by delivering to each of the within named Defendant in person, a true copy of this citation, upon which I endorsed the date of delivery to said Defendant together with the accompanying copy of the petition at the following times and places, to-wit:

NAME	DATE	TIME	PLACE
<u>Bobby Rodriguez</u>	<u>8-12-14</u>	<u>11:58 AM</u>	<u>709 Nebraska San Juan TX</u>

And not executed as to the defendant, _____ the diligence used in finding said defendant, being: _____ and the cause of failure to execute this process is: _____ and the information received as to the whereabouts of said defendant, being: _____. I actually and necessarily traveled _____ miles in the service of this citation, in addition to any other mileage I may have traveled in the service of other process in the same case during the same trip.

Fees: serving ... copy(s) \$ _____
miles\$ _____

DEPUTY

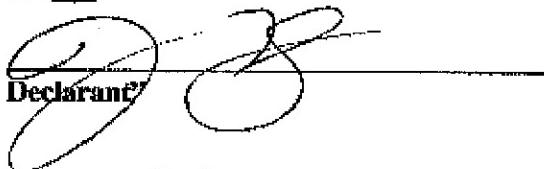
**COMPLETE IF YOU ARE PERSON OTHER THAN A SHERIFF,
CONSTABLE OR CLERK OF THE COURT**

In accordance to Rule 107, the officer or authorized person who serves or attempts to serve a citation must sign the return. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return must either be verified or be signed under the penalty of perjury. A return signed under penalty of perjury must contain the statement below in substantially the following form:

"My name is Jessie Francis, my date of birth is
72 and the address is Mercado, and I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED in Hidalgo County, State of Texas, on the 12th day of August, 2014.

Declarant



If Certified by the Supreme Court of Texas
Date of Expiration / SCH Number

Handled by J. R. Roby
8/12/14

FILED

AT 11:29 O'CLOCK AM

C-6136-14-F

AUG 13 2014

332ND DISTRICT COURT, HIDALGO COUNTY, TEXAS

CITATION

LAURA HINOJOSA, CLERK

District Courts, Hidalgo County

STATE OF TEXAS

By

Deputy#13

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served with this citation and petition, a default judgment may be taken against you.

JUAN GONZALEZ, IN HIS OFFICIAL CAPACITY AS INTERIM CITY MANAGER

**SAN JUAN CITY HALL
709 SOUTH NEBRASKA ROAD
SAN JUAN TX 78589**

You are hereby commanded to appear by filing a written answer to the **PLAINTIFF'S ORIGINAL PETITION** on or before 10:00 o'clock a.m. on the Monday next after the expiration of twenty (20) days after the date of service hereof, before the Honorable Mario E. Ramirez, Jr., 332nd District Court of Hidalgo County, Texas at the Courthouse at 100 North Closner, Edinburg, Texas 78539.

Said petition was filed on the on this the 3rd day of July, 2014 and a copy of same accompanies this citation. The file number and style of said suit being C-6136-14-F,

JULIO MARTINEZ, JR. VS. PEDRO CONTRERAS, INDIVIDUALLY, EDDIE SUAREZ, INDIVIDUALLY BOB GARZA, INDIVIDUALLY LUIS RAMOS, INDIVIDUALLY TIRSO GARZA, INDIVIDUALLY AND HIS OFICAL CAPACITY AS FIRE CHIEF FOR THE CITY OF SAN JUAN, JUAN GONZALEZ, IN HIS OFFICIAL CAPACITY AS INTERIM CITY MANAGER, CITY OF SAN JUAN

Said Petition was filed in said court by ORLANDO JIMENEZ, 815 E FERGUSON AVE PHARR TX 78577.

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ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at Edinburg, Texas on this the 22nd day of July, 2014.

**LAURA HINOJOSA, DISTRICT CLERK
HIDALGO COUNTY, TEXAS**

PABLO CAMPOS, DEPUTY CLERK



**C-6136-14-F
OFFICER'S RETURN**

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NAME	DATE	TIME	PLACE
<u>Bobby Rodriguez</u>	<u>8-12-14</u>	<u>11:58 AM</u>	<u>709 Nebraska St., Brownsville, TX</u>

And not executed as to the defendant, _____ the diligence used in finding said defendant, being: _____ and the cause of failure to execute this process is: _____ and the information received as to the whereabouts of said defendant, being: _____. I actually and necessarily traveled _____ miles in the service of this citation, in addition to any other mileage I may have traveled in the service of other process in the same case during the same trip.

Fees: serving ... copy(s) \$_____
miles\$_____

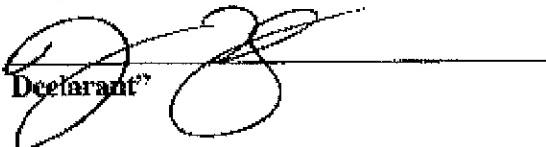
DEPUTY

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CONSTABLE OR CLERK OF THE COURT**

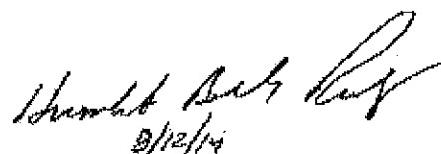
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"My name is Jesse L. Ratz, my date of birth is 22, and the address is 709 Nebraska St., and I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED in Hidalgo County, State of Texas, on the 12th day of August, 2014.


Declarant"

If Certified by the Supreme Court of Texas
Date of Expiration / SCH Number


Shawnta Babb, Clerk
8/12/14

FILED

C-6136-14-F
332ND DISTRICT COURT, HIDALGO COUNTY, TEXAS

AT 12⁹ O'CLOCK A.M.

CITATION

AUG 13 2014

STATE OF TEXAS

LAURA HINOJOSA, CLERK

District Courts, Hidalgo County

By Deputy #13

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served with this citation and petition, a default judgment may be taken against you.

CITY OF SAN JUAN
HONORABLE SAN JUANITA SANCHEZ
SAN JUAN CITY HALL
709 SOUTH NEBRASKA ROAD
SAN JAUN TX 78589

You are hereby commanded to appear by filing a written answer to the **PLAINTIFF'S ORIGINAL PETITION** on or before 10:00 o'clock a.m. on the Monday next after the expiration of twenty (20) days after the date of service hereof, before the Honorable Mario E. Ramirez, Jr., 332nd District Court of Hidalgo County, Texas at the Courthouse at 100 North Closner, Edinburg, Texas 78539.

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LAURA HINOJOSA, DISTRICT CLERK
HIDALGO COUNTY, TEXAS

PABLO CAMPOS, DEPUTY CLERK



**C-6136-14-F
OFFICER'S RETURN**

Came to hand on 12th of August, 2014 at 10:00 o'clock A.m. and executed in _____ County, Texas by delivering to each of the within named Defendant in person, a true copy of this citation, upon which I endorsed the date of delivery to said Defendant together with the accompanying copy of the petition at the following times and places, to-wit:

NAME	DATE	TIME	PLACE
<u>Bobby Rodriguez</u>	<u>8-12-14</u>	<u>11:57 am</u>	<u>705 9 Nebraska</u>

And not executed as to the defendant, _____ the diligence used in finding said defendant, being: _____ and the cause of failure to execute this process is: _____ and the information received as to the whereabouts of said defendant, being: _____ I actually and necessarily traveled _____ miles in the service of this citation, in addition to any other mileage I may have traveled in the service of other process in the same case during the same trip.

Fees: serving ... copy(s) \$ _____
miles\$ _____

DEPUTY

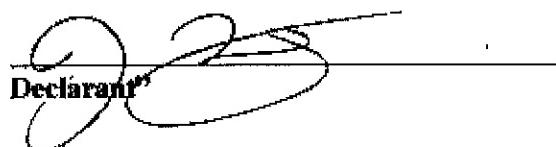
**COMPLETE IF YOU ARE PERSON OTHER THAN A SHERIFF,
CONSTABLE OR CLERK OF THE COURT**

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"My name is Jessie Kuanha, my date of birth is 7-2 and the address is 705 9 Nebraska and I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED in Hidalgo County, State of Texas, on the 12th day of August, 2014.

Declarant



If Certified by the Supreme Court of Texas
Date of Expiration / SCH Number

Jesse Kuanha
8/12/14

EXHIBIT-B

LIST OF ATTORNEYS

ATTORNEYS FOR PLAINTIFF:

Orlando Jimenez
State Bar No. 24044784
Federal Adm. No.
Email: hilandjimenez@yahoo.com

JIMENEZ JUSTICE CENTER
815 East Furgeson Avenue
Pharr, TX 78577
Telephone : (956) 702-3355
Facsimile : (956) 702-3399

ATTORNEYS FOR DEFENDANTS:

J. Arnold Aguilar
State Bar No. 00936270
Federal Adm. No. 6822
email: arnold@aguilarzabartellc.com

Francisco J. Zabarte
State Bar No. 22235300
Federal Adm. No. 10747
email: frank@aguilarzabartellc.com

AGUILAR ☆ ZABARTE, LLC
990 Marine Drive
Brownsville, TX 78520
Telephone : (956) 504-1100
Facsimile : (956) 504-1408